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OFFICIAL

RECIPIENT(S)	PHONE	FAX
Examiner Habte, Kahsay		703-782-9306

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Serial No.: 10/071,978

Attachments Transmittal Form (1 page)
Fee Transmittal Form (1 page)
Response (22 pages)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

24

Application Number

10/071,978

Filing Date

February 6, 2002

First Named Inventor

Eric E. Swayze

Art Unit

1624

Examiner Name

Kahsay Habte, Ph.D.

Attorney Docket Number

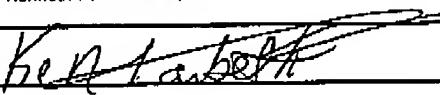
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ENCLOSURES (check all that apply)

 Fee Transmittal Form Fee Attached Amendment / Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s)
(please identify below):

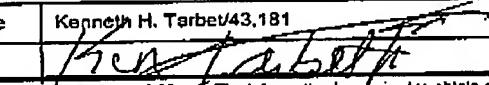
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kenneth H. Tarbet/43,181		
Signature			
Date	December 9, 2003		

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Typed or printed name	Kenneth H. Tarbet/43,181		
Signature		Date	December 9, 2003

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete If Known

Application Number	10/071,978
Filing Date	February 6, 2002
First Named Inventor	Eric E. Swayze
Examiner Name	Kahsay Habte, Ph.D.
Art Unit	1624
Attorney Docket No.	IBIS0055-100/IBIS-0403

METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
210	20	180	(\$)
7	3	4	(\$)
0	0	0	(\$)

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 66	2201 43	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	-- Reissue independent claims over original patent	
1205 18	2205 9	-- Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,870	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2609 375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify): 2 Month Extension of Time already paid

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Name (Print/Type)	Kenneth H. Tarbet	Registration No. Attorney/Agent	43,181	Telephone	619-234-1700
Signature	Kenneth H. Tarbet			Date	December 9, 2003

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DOCKET NO.: IBIS-0403(IBIS0055-100)

PATENT

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EXAMINING GROUP NO. 1624

DEC 09 2003

Serial No.: 10/071,978

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Eric E. Swayze

Serial No.: 10/071,978

Group Art Unit: 1624

Filed: 02/06/2002

Examiner: Habte, Kabsay

Title: NOVEL BENZIMIDAZOLE COMPOUNDS

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On December 9, 2003


Ken Tarbet Reg. No. 43,181

BOX AF
Commissioner for patents
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Alexandria, VA 22313-1450

Dear Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION

In response to the Office Action mailed July 2, 2003 in connection with the above-identified patent application, Applicants respectfully request that the application be amended as follows. As a preliminary matter, Applicant is grateful to the Examiner for providing guidance and assistance through the telephonic interview of November 19, 2003.

Amendments to the Claims are reflected in the listing of claims which begins on page 3.

DOCKET NO.: IBIS-0403(IBIS0055-100)
SERIAL NO.: 10/071,978

PATENT
FILED:02/06/2002

Remarks/Arguments begin on page 20 of this paper.